

## **REMARKS**

In response to the Office Action mailed July 29, 2008, Applicants respectfully request the Examiner to reconsider the above-captioned Application in view of the foregoing amendments and the following remarks.

### ***Summary of the Office Action***

In the July 29, 2008 Office Action, Claims 14-32, 35, 37-39 and 41-67 stand rejected. Next, Claims 14-32, 35, 37-39 and 41-67 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Further, Claims 14-21, 30, 31, 35, 51, 52, and 55-58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,769,767 issued to Swab et al. (hereinafter "Swab") in view of U.S. Patent No. 5,654,786 issued to Bylander (hereinafter "Bylander"). Finally, Claims 22-29, 32, 37-49, 53, 54, and 59-67 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Swab in view of U.S. Patent No. 4,149,780 issued to Young (hereinafter "Young") and further in view of U.S. Patent No. 5,606,743 issued to Vogt et al. (hereinafter "Vogt").

### ***Summary of the Amendment***

By this paper, Applicants respond to the Examiner's comments and rejections made in the July 29, 2008 Office Action. Claims 14-32, 35, 37-39, and 41-67 are currently pending in the present Application. Applicants respectfully submit that the present Application is in condition for allowance.

### ***Traversal of Rejection under 35 U.S.C. § 112***

In the Office Action, Claims 14-32, 35, 37-39 and 41-67 stand rejected under 35 U.S.C. § 112, first paragraph. Applicants respectfully traverse the present rejection of Claims 14-32, 35, 37-39 and 41-67. Further, Applicants respectfully submit that the Examiner's rejection does not provide sufficient factual evidence as required under M.P.E.P. § 2163 to show, by a preponderance of evidence, why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims. *In re Wertheim*, 541 F.2d 257,

263, 191 USPQ 90, 97 (CCPA 1976). As discussed below, the subject matter added to independent Claims 14, 22, and 38 is fully supported in the present Application.

*Claim 14 is Supported by the Original Disclosure*

Claim 14 recites, *inter alia*, “[1] at least one video unit being supported by the frame, [2] the video unit being in electrical communication with the audio device, [3] the video unit being viewable by the user of the eyeglass with [4] the variable light attenuation of the lens being adjustable to permit a desired amount of visible light to pass through the lens in response to the electronic control signal” (emphasis added). Applicants respectfully submit that the above-noted features are fully supported by the original disclosure.

First, the subject matter of “[1] at least one video unit being supported by the frame” is supported at least at ¶ [0056], which indicates that, “at least one of the lenses 44, 46 can be in the form of a view finder or a video display unit configured to be viewable by a wearer of the support 12A.” Present Application, ¶ [0056].

Next, the subject matter of “[2] the video unit being in electrical communication with the audio device” is supported at least at ¶ [0105] which indicates that, “[t]he device 286 can be configured to store and playback any type of electronic audio and/or video file.” As discussed in ¶ [0104], the “device 286” can be an “audio file storage and playback device.” Further, as noted in ¶ [0073], the components of the audio device 10A’ can include the lenses 44, 46 with the video display unit. *See also id.* at Figures 3B, 3J.

Further, the subject matter of “[3] the video unit being viewable by the user of the eyeglass” is supported at least at ¶ [0056]. Paragraph [0056] indicates that, “at least one of the lenses 44, 46 can be in the form of a view finder or a video display unit configured to be viewable by a wearer of the support 12A.” *Id.* at ¶ [0056].

Finally, the subject matter of “[4] the variable light attenuation of the lens being adjustable to permit a desired amount of visible light to pass through the lens in response to the electronic control signal” is supported at least at ¶¶ [0056]-[0057]. In these paragraphs, the specification indicates that, “the lenses 44, 46 can be in the form of a view finder or a video display unit configured to be viewable by a wearer of the support 12A. Preferably, the lenses 44, 46 are configured to provide variable light attenuation.” *Id.* at ¶¶ [0056]-[0057]. Additionally,

the specification indicates that the variable light attenuation can be electronic. *See id.* at ¶ [0163].

The specification also indicates that an electronic variable light attenuation mechanism, such as a dichroic dye guest-host device, can “comprise any user operable switch that controls the orientation of the dye to electronically control the amount of light attenuation.” *See id.* at ¶¶ [0163]-[0164]. Moreover, the specification indicates that, a “power circuit (not shown) can be supported by the frame 42. The power circuit is provided with a power supply connected to the conducting layers. Adjustment of the power supply alters the orientation of the host material which in turn alters the orientation of the dichroic dye.” *Id.* at ¶ [0059] (emphasis added).

Applicants respectfully submit that the above disclosure reasonably conveys to one skilled in the art that the inventors possessed the subject matter recited in Claim 14. Indeed, Applicants respectfully submit that the above-noted features of Claim 14 are supported in the present Application through “express, implicit, or inherent” disclosure. *See* M.P.E.P. § 2163. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of Claim 14 under Section 112, first paragraph.

*Claim 22 is Supported by the Original Disclosure*

Claim 22, recites, *inter alia*, “[1] the first lens comprising a video unit and having variable light attenuation, [2] the video unit being in electrical communication with the audio device, [3] the video unit being viewable by a wearer of the eyeglass with [4] the light attenuation of the lens permitting a desired amount of light to pass through the lens toward an eye of the wearer of the eyeglass,” and “[5] a power circuit being supported by the frame and configured to provide power to the video unit.”

As similarly discussed above with respect to Claim 14, the subject matter of “[1] the first lens comprising a video unit and having variable light attenuation” is supported at least at ¶¶ [0056]-[0057], which indicates that, “at least one of the lenses 44, 46 can be in the form of a view finder or a video display unit configured to be viewable by a wearer of the support 12A,” and that, “[p]referably, the lenses 44, 46 are configured to provide variable light attenuation.” *Id.* at ¶¶ [0056]-[0057].

Next, the subject matter of “[2] the video unit being in electrical communication with the audio device” is also supported at least at ¶ [0105] which indicates that, “[t]he device 286 can be configured to store and playback any type of electronic audio and/or video file.” As discussed in ¶ [0104], the “device 286” can be an “audio file storage and playback device.” Further, as noted in ¶ [0073], the components of the audio device 10A’ can include the lenses 44, 46 with the video display unit. *See also id.* at Figures 3B, 3J.

Further, the subject matter of “[3] the video unit being viewable by the user of the eyeglass” is supported at least at ¶ [0056]. Paragraph [0056] indicates that, “at least one of the lenses 44, 46 can be in the form of a view finder or a video display unit configured to be viewable by a wearer of the support 12A.” *Id.* at ¶ [0056].

Furthermore, the subject matter of “[4] the light attenuation of the lens permitting a desired amount of light to pass through the lens toward an eye of the wearer of the eyeglass” is supported at least at ¶¶ [0056]-[0057]. In these paragraphs, the specification indicates that, “the lenses 44, 46 are configured to provide variable light attenuation.” *See id.* at ¶ [0057]. Additionally, the specification indicates that the variable light attenuation can be electronic. *See id.* at ¶ [0163]. Moreover, the specification indicates that an electronic variable light attenuation mechanism, such as a dichroic dye guest-host device, can “comprise any user operable switch that controls the orientation of the dye to electronically control the amount of light attenuation.” *See id.* at ¶¶ [0163]-[0164].

Finally, the subject matter of “[5] a power circuit being supported by the frame and configured to provide power to the video unit” is supported at least at ¶ [0059]. In this regard, the specification indicates:

For example, the lenses 44, 46 can comprise spaced substrates coated with a conducting layer, an alignment layer, and preferably a passivation layer. Disposed between the substrates is a guest-host solution which comprises a host material and a light-absorbing dichroic dye guest. A power circuit (not shown) can be supported by the frame 42. The power circuit is provided with a power supply connected to the conducting layers.

*Id.* at ¶ [0059].

Therefore, Applicants respectfully submit that the above disclosure reasonably conveys to one skilled in the art that the inventors possessed the subject matter recited in Claim 22. Indeed, Applicants respectfully submit that the above-noted features of Claim 22 are supported in the

present Application through “express, implicit, or inherent” disclosure. *See* M.P.E.P. § 2163. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of Claim 22 under Section 112, first paragraph.

*Claim 38 is Supported by the Original Disclosure*

Claim 38 recites, *inter alia*, “[1] a video unit being supported by the frame and [2] being in communication with the wireless transceiver, [3] the video unit being viewable by the user of the eyeglass with [4] the light attenuation of the lens permitting a desired amount of light to pass through the lens toward an eye of the wearer of the eyeglass; and [5] a power supply, carried by the frame, wherein the power supply is configured to provide electrical power to the electric light attenuation and the video unit of the eyeglass.”

As similarly discussed above, the subject matter of “[1] a video unit being supported by the frame” is supported at least at ¶¶ [0056]-[0057], which indicates that, “at least one of the lenses 44, 46 can be in the form of a view finder or a video display unit configured to be viewable by a wearer of the support 12A,” and that “[p]referably, the lenses 44, 46 are configured to provide variable light attenuation.” *Id.* at ¶¶ [0056]-[0057].

Next, the subject matter of a video unit “[2] being in communication with the wireless transceiver” is supported at least at ¶ [0181] which indicates that, “the audio device 10C is advantageously adapted to support any of a variety of portable electronic circuitry or devices which have previously been difficult to incorporate into conventional headsets due to bulk, weight or other considerations. . . . Of course, other audio, video, or data signals can be transmitted between the audio device 10C and such a cellular phone through such transceivers.” *Id.* at ¶ [0181]. As discussed in ¶ [0104], the “device 286” can be an “audio file storage and playback device.” Further, as noted in ¶ [0073], the components of the audio device 10A’ can include the lenses 44, 46 with the video display unit. *See also id.* at Figures 3B, 3J.

Further, the subject matter of “[3] the video unit being viewable by the user of the eyeglass” is supported at least at ¶ [0056]. Paragraph [0056] indicates that, “at least one of the lenses 44, 46 can be in the form of a view finder or a video display unit configured to be viewable by a wearer of the support 12A.” *Id.* at ¶ [0056].

Furthermore, the subject matter of “[4] the light attenuation of the lens permitting a desired amount of light to pass through the lens toward an eye of the wearer of the eyeglass” is supported at least at ¶¶ [0056]-[0057]. In these paragraphs, the specification indicates that, “the lenses 44, 46 are configured to provide variable light attenuation.” *See id.* at ¶ [0057]. Additionally, the specification indicates that the variable light attenuation can be electronic. *See id.* at ¶ [0163]. Moreover, the specification indicates that an electronic variable light attenuation mechanism, such as a dichroic dye guest-host device, can “comprise any user operable switch that controls the orientation of the dye to electronically control the amount of light attenuation.” *See id.* at ¶¶ [0163]-[0164].

Finally, the subject matter of “[5] a power supply, carried by the frame, wherein the power supply is configured to provide electrical power to the electric light attenuation and the video unit of the eyeglass” is supported at least at ¶ [0059]. In this regard, the specification indicates:

For example, the lenses 44, 46 can comprise spaced substrates coated with a conducting layer, an alignment layer, and preferably a passivation layer. Disposed between the substrates is a guest-host solution which comprises a host material and a light-absorbing dichroic dye guest. A power circuit (not shown) can be supported by the frame 42. The power circuit is provided with a power supply connected to the conducting layers.

*Id.* at ¶ [0059].

Therefore, Applicants respectfully submit that the above disclosure reasonably conveys to one skilled in the art that the inventors possessed the subject matter recited in Claim 38. Indeed, Applicants respectfully submit that the above-noted features of Claim 38 are supported in the present Application through “express, implicit, or inherent” disclosure. *See* M.P.E.P. § 2163. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of Claim 38 under Section 112, first paragraph.

***Traversal of Rejections under 35 U.S.C. § 103(a) Based on Swab in view of Bylander***

In the Office Action, Claims 14-21, 30, 31, 35, 51, 52, and 55-58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Swab in view of Bylander. Applicants respectfully traverse the rejection of these claims and submit that these claims define over the combination of Swab and Bylander. Accordingly, Applicants respectfully request that the rejection of Claim 14-

21, 30, 31, 35, 51, 52, and 55-58 be withdrawn and that these claims be indicated as allowable over the art of record.

Additionally, Applicants believe that the rejection under Section 112, first paragraph, has been overcome, and that the claims, as previously presented, define over the combination of Swab and Bylander. Applicants recognize that the Examiner's position is that Claims 14-21, 30, 31, 35, 51, 52, and 55-58 do not define over the combination of Swab in view of Bylander because the claims contain "subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." *See* Office Action, page 7. However, Applicants note that an alleged lack of support does not provide proper grounds for rejection. Rather, M.P.E.P. § 2163.06 requires that the Examiner "consider the subject matter added to the claim in making rejections based on prior art since the new matter rejection may be overcome by applicant."

Thus, if the Examiner conducts a further search for prior art related to these features in order to formulate a new rejection, Applicants submit that such a new rejection should not be made final.

Referring now to Swab, Swab teaches eyewear that can be used to form a wireless ad hoc network with devices such as a computer, bracelet, and telephone. *See* Swab, col. 3, line 66-col. 4, line 11. Swab indicates that the eyewear is intended to be "low-cost, small in size, and [have] a low power consumption." *Id.* at col. 1, lines 63-64 (emphasis added). It is notable that Swab never once describes the lenses used in its eyewear, and never even uses the word "lens." Indeed, Swab's closest reference to anything light-related is made in the Background of the Invention section, where Swab refers to a prior art personal display device as having the "shape of sunglasses." *Id.* at col. 1, lines 46-48. Swab is similarly devoid of any teachings or disclosure related to video display technology that interacts with variable light attenuation of the lens. Applicants submit that Swab's teachings are completely focused only on low-cost, low power wireless communication eyewear that can form an ad hoc wireless network with other electronic devices.

In contrast to Swab, Bylander is focused on controlling the optical transmissivity of eyewear to create a medically-significant result, but does not teach any interaction with electronic audio or video devices. For example, Bylander indicates that

Continuous control of optical transmissivity across a broad range of magnitudes is particularly desirable in many medical applications such as diagnosis and treatment of retinal disease, visual field abnormalities known a[s] scotomas, optic neuropathy, macular degeneration, and the like. Diagnosis of these conditions can be problematic using uncontrolled ambient light since the magnitude of the symptoms of these diseases can vary with ambient light levels.

For patients suffering from retinal diseases, sudden changes in ambient light levels, such as emerging from a dimly lit room into a bright sunny day, and vice versa, can cause serious problems and momentary blindness. It would be desirable to maintain these patients in a partially dark adapted state. This partially dark adapted state would involve maintaining a constant light level at the patients eyes despite variations in ambient light levels.

Bylander, col. 1, lines 19-35 (emphasis added). Thus, Bylander teaches lens structures that are configured to continuously control the optical transmissivity of light passing therethrough independently of ambient light levels. *See id.* at col. 1. Additionally, the lens structures taught by Bylander require additional power in order to vary the light transmissivity of the lenses.

In contrast to the teachings of Swab and Bylander, Claim 14 is directed to an eyeglass comprising, *inter alia*, a “lens configured to have electronic variable light attenuation” and a “video unit being supported by the frame . . . [and] being viewable by the user of the eyeglass with the variable light attenuation of the lens being adjustable to permit a desired amount of visible light to pass through the lens in response to the electronic control signal.” Applicants respectfully submit that neither Swab nor Bylander suggest, disclose or otherwise teach at least these features of the eyeglass of Claim 14.

Further, these features recited in Claim 14 provide for an eyeglass that is a significant enhancement over the prior art. These novel features are important because ambient light passing through the lens of an eyeglass and into a user’s eyes makes it very difficult for the user of the eyeglass to visually perceive an image from a heads-up display unit. Thus, the eyeglass of Claim 14 allows the amount of light entering the user’s eye to be reduced in order to enhance viewing of the image from the video unit.

Prior art eyewear is designed to allow light to pass through the lens and into the eye of the wearer. However, this light decreases the contrast of a video image and causes the image to be



faded or washed out. As a result, it is exceedingly difficult for the wearer of prior art eyewear to visually perceive a rich, high-contrast image from the heads-up display unit. Therefore, in order to improve the functionality and visibility of the video unit, Claim 14 provides an eyeglass that has a uniquely configured light-attenuation lens assembly used with the video unit. This unique eyeglass product allows the amount of visible light passing through the lens to be reduced via light attenuation so that the user can easily see a rich, high-contrast image from the video unit. This truly represents a significant and meaningful advance over the references, which do not even suggest or contemplate such a feature or capability. Indeed, these advantages are a tremendous enhancement for heads-up display technology.

Accordingly, Applicants respectfully request that the Examiner indicate the allowability of Claim 14, as well as Claims 15-21, 30-31, 35, 51-52, and 55-56, based on their own merit and for at least the reason that these claims depend from an allowable independent base claim, Claim 14.

***Traversal of Rejections under 35 U.S.C. § 103(a) Based on Swab in view of Young and further in view of Vogt***

In the Office Action, Claims 22-29, 32, 37-49, 53, 54, and 59-67 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Swab in view of Young and further in view of Vogt. Applicants respectfully traverse the rejection of these claims and submit that these claims define over the combination of Swab, Young, and Vogt. Accordingly, Applicants respectfully request that the rejection of Claim 22-29, 32, 37-39, 41-49, 53, 54, and 59-67 be withdrawn and that these claims be indicated as allowable over the art of record.

As previously noted, Applicants believe that the rejection under Section 112, first paragraph, has been overcome, and that the claims, as previously presented, define over the combination of Swab, Young, and Vogt. Applicants recognize that the Examiner's position is that Claims 22-29, 32, 37-39, 41-49, 53, 54, and 59-67 do not define over the combination of Swab, Young, and Vogt because the claims contain "subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." See Office Action, page 7. However, Applicants note that an alleged lack of support does not provide proper grounds for rejection. Rather, M.P.E.P. § 2163.06 requires that the Examiner

“consider the subject matter added to the claim in making rejections based on prior art since the new matter rejection may be overcome by applicant.”

Thus, if the Examiner conducts a further search for prior art related to these features in order to formulate a new rejection, Applicants submit that such a new rejection should not be made final.

As discussed above, Swab is devoid of any teaching related to video display technology that interacts with variable light attenuation of the lens. Young is similarly lacking. In fact, Young merely teaches variable density spectacles having a pair of superposed iodine stained light polarizing elements. Young is dedicated to the precise formulations and configurations of the lens, and does not once suggest that electronics can be used with its disclosed spectacles. Further, Vogt is directed to eyewear that can incorporate various electronic audio equipment. However, Vogt is similarly devoid of any teaching or disclosure related to video display technology that interacts with variable light attenuation of the lens.

In contrast to the teachings of Swab, Vogt, and Young, Claim 22 is directed to an eyeglass comprising, *inter alia*, a “first lens comprising a video unit and having variable light attenuation, the video unit being in electrical communication with the audio device, the video unit being viewable by a wearer of the eyeglass with the light attenuation of the lens permitting a desired amount of light to pass through the lens toward an eye of the wearer of the eyeglass.”

Further, Claim 38 is directed to an eyeglass comprising, *inter alia*, a “lens comprising at least one variable light attenuation assembly configured to change its attenuation of visible light in accordance with an electronic control signal” and a “video unit being viewable by the user of the eyeglass with the light attenuation of the lens permitting a desired amount of light to pass through the lens toward an eye of the wearer of the eyeglass.” Applicants respectfully submit that none of Swab, Vogt, or Young disclose or otherwise teach at least these features of Claims 22 and 38.

Further, similar to Claim 14 above, these features recited in Claims 22 and 38 provide for an eyeglass that is a significant enhancement over the prior art. These novel features are important because ambient light passing through the lens of an eyeglass and into a user’s eyes makes it very difficult for the user of the eyeglass to visually perceive an image from a heads-up

display unit. Thus, the eyeglasses of Claims 22 and 38 allow the amount of light entering the user's eye to be reduced in order to enhance viewing of the image from the video unit.

As discussed above, prior art eyewear is designed to allow light to pass through the lens and into the eye of the wearer. However, this light decreases the contrast of a video image and causes the image to be faded or washed out. As a result, it is exceedingly difficult for the wearer of prior art eyewear to visually perceive a rich, high-contrast image from the heads-up display unit. Therefore, in order to improve the functionality and visibility of the video unit, Claims 22 and 38 provide eyeglasses that have a uniquely configured light-attenuation lens assembly used with the video unit. These unique eyeglass products allow the amount of visible light passing through the lens to be reduced via light attenuation so that the user can easily see a rich, high-contrast image from the video unit. This truly represents a significant and meaningful advance over the references, which do not even suggest or contemplate such a feature or capability. Indeed, these advantages are a tremendous enhancement for heads-up display technology.

Accordingly, Applicants respectfully request that the Examiner indicate the allowability of Claims 22 and 38, as well as Claims 23-32, 37, 39, and 41-54, based on their own merit and for at least the reason that these claims depend from allowable independent base claims, Claims 22 and 38.

*No Disclaimers or Disavowals*

Although the present communication may include alterations to the Application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this Application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this Application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present Application.

**Application No.: 10/628,847**  
**Filing Date: July 28, 2003**

*Co-Pending Applications of Assignee*

Applicants wish to draw the Examiner's attention to the following co-pending applications of the present Application's assignee.

<b>Serial Number</b>	<b>Title</b>	<b>Filed</b>	<b>Atty Docket No.</b>
10/628,695	WIRELESS INTERACTIVE HEADSET	28 July 2003	NOCODE2.005A
10/963,290	ACTUATOR CONFIGURATION FOR EYEGLASS WITH MP3 PLAYER	10-12-2004	NOCODE2.5C1DV2
11/417,854	ELECTRONIC EYEWEAR WITH HANDS-FREE OPERATION	05-03-2006	NOCODE2.5C3DV1
11/869,704	WIRELESS INTERACTIVE HEADSET	11-09-2007	NOCODE2.5CP2C1
11/022,367	DATA INPUT MANAGEMENT SYSTEM FOR WEARABLE ELECTRONICALLY ENABLED INTERFACE	12-22-2004	NOCODE2.007A
11/418,160	EYEGLASS WITH MP3 PLAYER	05-03-2006	OAKLY1.172C3
11/418,154	EYEGLASSES WITH WIRELESS COMMUNICATION FEATURES	05-03-2006	OAKLY1.278C2
11/352,938	EYEWEAR WITH DETACHABLE MODULE	02-13-2006	OAKLY1.271A

**CONCLUSION**

Applicants respectfully submit that the above rejections and objections have been overcome and that the present Application is now in condition for allowance. Therefore, Applicants respectfully request that the Examiner indicate that Claims 14-32, 35, 37-39, and 41-67 are now acceptable and allowed. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Applicants respectfully submit that the claims are in condition for allowance in view of the above remarks. Any remarks in support of patentability of one claim, however, should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches, even if not expressly discussed herein. Although amendments

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have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present Application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Applicants also have not presented arguments concerning whether the applied references can be properly combined in view of, among other things, the clearly missing elements noted above, and Applicants reserve the right to later contest whether a proper reason exists to combine these references and to submit indicia of the non-obviousness of the claimed management system.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claim and drawings in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: October 29, 2008

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